

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla

Subfile No. CHTA-003-0008

**MOTION FOR SUBSTITUTION OF PARTIES
AND TO VACATE CONSENT ORDER FILED APRIL 10, 2002**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to issue its order substituting Patricia A. Alvarado, Juanita Atencio, Richard Atencio, Frances Castellano, Lawrence Castellano, Margie Atencio, Silviano Atencio, Anna Atencio Ferrell and Carmella Atencio Varos for Defendant Viola M. Atencio in these proceedings, and further vacating the Consent Order approved by Viola M. Atencio filed with the Court on April 10, 2002 (Doc. No. 6634) in subfile CHTA-003-0008 and as grounds states as follows:

1. At the time Defendant Viola M. Atencio was joined and served with process in these proceedings, and when she subsequently signed and approved the State's proposed Consent Order in subfile CHTA-003-0008, she was no longer the owner of the land and water rights under this subfile. The land in question had previously been subdivided and conveyed to various relatives or other persons (Patricia A. Alvarado, Juanita Atencio, Richard Atencio, Frances Castellano, Lawrence Castellano, Margie Atencio, Silviano Atencio, Anna Atencio Ferrell and Carmella Atencio Varos).

These individuals have contacted the State, and requested that these lands be correctly mapped according to correct ownership information, and that certain errors in the mapping of the irrigated lands also be corrected. The State has reinspected the lands in question, revised its mapping to correct certain errors, and has prepared revised proposed Consent Orders for approval by the owners of the various tracts involved (now subfiles CHTA-003-0008A through CHTA-003-0008E).

WHEREFORE the State of New Mexico requests the Court to enter its order substituting Patricia A. Alvarado, Juanita Atencio, Richard Atencio, Frances Castellano, Lawrence Castellano, Margie Atencio, Silviano Atencio, Anna Atencio Ferrell and Carmella Atencio Varos for Defendant Viola M. Atencio in these proceedings, and further vacating the Consent Order approved by Viola M. Atencio filed with the Court on April 10, 2002 (Doc. No. 6634) in subfile CHTA-003-0008.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
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(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of January 2008 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Patricia A. Alvarado
P.O. Box 1200
Santa Cruz, NM 87567

Juanita Atencio
Richard Atencio
P.O. Box 702
Chama, NM 87575

Frances Castellano
Lawrence Castellano
P.O. Box 14 Anvella Lane
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Margie Atencio
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